

FILED

SEP - 2 2008

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**JAMES ST. LOUIS,
PLAINTIFF,**

vs.

**LT. CHERYL MORRIS, et al,
DEFENDANTS.**

C.A.No. 06-236-SLR

JURY TRIAL REQUESTED

PLAINTIFFS' RESPONSE TO STATE'S OPPOSITION

**PETITIONER, ACTING PRO SE, HEREBY REQUEST THIS
HONORABLE COURT TO DENY DEFENDANT'S MOTION OF OPPOSITION
AND REMAND IT'S DECISION FOR SUMMARY JUDGEMENT. IN
FURTHERANCE OF HIS REQUEST THE PLAINTIFF REPRESENT AS
FOLLOWS:**

- 1. THE PLAINTIFF FILED A § 1983 ACTION FOR A
CONSTITUTIONAL VIOLATION AND DUE PROCESS IN 2006,
ALLEGING VIOLATIONS BY DEFENDANTS IN THEIR
ACTIONS AND NON-ACTIONS TO FEDERAL STATE, FEDERAL
AND CONSTITUTIONAL STATUTES. THE COMPLAINT WAS
MODIFIED WHEN JUDGE ROBINSON SAID "SHE" WOULD
ACCEPT THIS CASE IF IT WAS AMENDED TO A RETALIATION
CLAIM; WHICH PLAINTIFF ADHERED TO.**
- 2. ON OCTOBER 12, 2007 THE DEFENDANTS FILED A MOTION
FOR SUMMARY JUDGEMENT. THE PLAINTIFF ANSWERED
BRIEF WAS FILED ON NOVEMBER 6, 2007. IN BLACK'S LAW
DICTIONARY THE DEFINITION OF SUMMARY JUDGEMENT
IS -----"A JUDGEMENT GRANTED ON A CLAIM OR DEFENSE**

ABOUT WHICH THERE IS NOT GENUINE ISSUE OF MATERIAL FACT AND UPON WHICH THE MOVANT IS ENTITLED TO PREVAIL AS A MATTER OF LAW. THE COURT CONSIDERS THE CONTENT OF THE PLEADINGS, THE MOTIONS, AND ADDITIONAL EVIDENCE ADDUCED BY THE PARTIES TO DETERMINE WHETHER THERE IS A GENUINE ISSUE OF MATERIAL FACTS RATHER THAN ONE OF LAW....”

- 3. PLAINTIFF IN HIS UNDERSTANDING DOES TAKE EXCEPTION TO THE COURT’S RULING. HE DOES NOT UNDERSTAND WHY THE JUDGE INITIALLY SAID THAT THE CASE MERITED HEARING IF IT WAS BROUGHT AS A RETALLIATIONAL SUIT YET SAYS IT’S DENIED. PETITIONER BELIEVES HE SHOWED THROUGH OTHER AFFIDAVITS THAT THERE WERE MEETING CALLED TO ADDRESS THE VIOLATIONS AND THOSE VIOLATIONS EXISTED. HE QUOTED THE POLICY OF THE PRISON LITIGATION THAT TELLS YOU HOW TO ADDRESS THOSE PROBLEMS, BUT IS BEING PUNISHED BECAUSE IT DID’T REACH THE GRIEVANCE LEVEL YET. PETITIONER TRIED TO ADDRESS THIS ISSUE IN A MANNER THAT CIVILIZED INDIVIDUALS SHOULD ADDRESS THEIR PROBLEMS AND IS STILL FINDING NON SATISFACTION.**
- 4. PETITIONER HAS NOT BROUGHT NEW ARGUMENTS INTO THIS SUMMARY RULING SEEING EVERYTHING WAS BROUGHT TO THE ATTENTION OF THE COURT AND DEFENSE ATTORN(IES) PRIOR TO ITS ENTERING.**
- 5. PLAINTIFF ARGUES THAT THE SUMMARRY JUDGEMENT CAN NOT BE DECIDED WHEN THERE IS A DISCREPETENCY OF FACTS LEADING TO PUNISHMENT. THE DEFENSE ITSELF QUOTED 11 DEL.C.§ § 6530, 6531 AND 6532 (j). HOWEVER IT FAILED TO REALIZE**

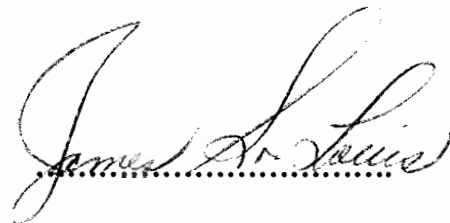
- 11 DEL. 6530 SAYS “THE CLASSIFICATION COMMITTEE {SHALL} DETERMINE THE PERSONS WHO SHALL WORK AND LABOR AND SHALL ASSIGN PERSONS TO JOBS.....
 - 11DEL. 6531 SAYS (f) “THE DEPARTMENT {SHALL} ESTABLISH PROGRAMS OF WORK...”
 - 11DEL 6532 (j) INMATES REFUSING TO PARTICIPATE IN PROGRAMS OF EMPLOYMENT SHALL BE PUNISHED...”
 - 11 DEL 6530 SAYS THAT THE CLASSIFICATION COMMITTEE CAN REMOVE AN INMATE FROM THE JOB CLASSIFICATION AND CAN TAKE THAT JOB AWAY FROM HIM.
6. IF THIS IS TRUE, AND IT IS, THE CLASSIFICATION COMMITTEE HAS GIVEN THE PLAINTIFF A “LIBERTY INTEREST” TO A JOB SEEING HE WAS CLASSIFIED TO WORK IN THE KITCHEN AND AS THE PLANTIFF READS THIS STATUTE THAT COMMITTEE MUST TAKE THAT “LIBERTY INTEREST” AWAY THROUGH THE PROPER PROSEDURES, WHICH WAS NOT DONE. THE OFFICERS INVOLVED IN THE PETITIONERS FIRING ARE NOT APART OF THAT COMMITTEE. AND COULD ONL ACT IN REGARDS TO HIS FIRING AS A RETALIATIONAL EFFORT TO UNDERMIND THE EXISTING RULES AND STATUTE TO PROTECT THE INMATES FROM THIS BEHAVIOR. THERE HAS BEEN EVIDENCE BROUGHT FORTH TO SHOW THAT AN INVESTIGATION WAS DONE BY THE PRISON SYSTEM, HOWEVER, IT IS THIS INFORMETION THAT IS IN DISCREPETENCY. THE PLAINTIFF SAYS THIS INFORMATION WAS ORDERD DONE AND THE DEFENDANTS SAY IT WAS NOT. THE FACTS ARE AT ISSUE AND THE DEFEINITION FROM BLACKS LAW

DICTIONARY SAYS WHEN THE FACTS ARE AT ISSUE THE COURT CAN NOT ISSUE A SUMMARY JUDGEMENT. SUMMARY ADDRESSES THE DISPUTE OF FACTS IT IS FOR A JURY TO DECIDE THE PROVING OF FACTS.

7. PETITIONER HAS ASKED THIS COURT A MULTITUDE OF TIMES ,ADDRESSING THE FACT THAT HE IS OUT OF HIS ELEMENTS AND THAT BECAUSE OF THE STATES VAST MONEYAND LEGAL CAPACITY THE JUSTICE SYSTEM IS NOT IN BALANCE AND HE NEEDS COUNSEL TO ASSIST HIM IN HIS ENDEVER. PETITIONER ADMITS THAT HE DOES'T UNDERSTAND THE PROCESS AND ASKS THE COURT TO HAVE PATIENCE WITH HIM. HE HOPES THAT THE JUDGE WILL ALLOW THE PROCESS TO CONTINUE SO THAT THE VIOLATIONS THAT LEAD TO THIS ACTION CAN BE ADDRESSED AND ENDED. IT'S ASHAME WHEN THOSE WE PUT IN PLACE TO PROTECT US NEED TO BE SCUTINIZED FOR THEIR ILBEHAVIOR. PETITIONER PRESENTS THIS AND HIS PREVIOIS PAPERWORK IN SUPPORT OF THIS MATTER.

PETITIONER HAS MAILED A TRUE COPY OF THE ABOVE ANSWER TO THE DEPARTMENT OF JUSTICE AT WILMINGTON, DELAWARE ON 8/29/2008.

Thursday, August 28, 2008

A handwritten signature in cursive script, reading "James St. Louis". The signature is written in dark ink and is positioned above a dotted line.

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I/M James H. Jones
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EXPRESS MAIL

[Signature]

WILMINGTON DE 197
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Office of the Clerk
United State District Court

[Signature]

344 N. King Street, Room 15

Wilmington Delaware

Re. 06-236-SLR *19801-3510*

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